

BULGARIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bulgaria is a constitutional republic governed by a freely elected unicameral National Assembly. A coalition government headed by a prime minister leads the country. National Assembly elections were held in 2017, and the Central Election Commission did not report any major election irregularities. International and local observers considered the National Assembly elections and the 2016 presidential election generally free and fair but noted some deficiencies.

The Ministry of Interior is responsible for law enforcement, migration, and border control. The State Agency for National Security, which reports to the Prime Minister's Office, is responsible for investigating corruption and organized crime, among other responsibilities. The army is responsible for external security but also can assist with border security. During the coronavirus-related state of emergency, the army had the authority to enforce COVID-19 measures and restrictions but did not exercise it. The National Protective Service is responsible for the security of dignitaries and answers to the president. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: violent treatment by police; arbitrary arrests; serious problems with judicial independence; serious restrictions on free expression, including media censorship, violence and threats of violence against journalists, and corporate and political pressure on media; refoulement of refugees or asylum seekers; serious acts of corruption; crimes involving violence or threats of violence against Roma; violence against children; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex persons.

Authorities took steps to prosecute and punish officials who committed human rights abuses, but government actions were insufficient, and impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. Military investigators and prosecutors in three territorial prosecution services investigate military personnel killings; police investigators, investigative magistrates, and prosecutors investigate other security force killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but there were reports of government officials employing violent and degrading treatment. For example, on July 10, police beat and detained Dimitar Pedev for hooliganism during an antigovernment protest in Sofia, claiming he had provoked them. Pedev, who claimed he was a passerby and not a protester, felt ill in jail and was transferred to a hospital where his mother reported she found him “with a hematoma and concussion, chained to a hospital bed...even his legs.” Nongovernmental organizations (NGOs) alleged that the prison administration kept Pedev handcuffed to a bed for more than two days while doctors treated his injuries. As of December authorities were conducting an internal inquiry.

In February, 30-year-old Nikolay Ilkov claimed police in Sofia stopped him in his car, checked his documents, tested him for alcohol and drugs, and searched his vehicle for weapons and drugs. Ilkov passed the inspections but refused to go into the patrol car for an inspection of his underwear and socks. The patrol officers interpreted his refusal as aggression and three police officers held him while another beat him, leaving him with a hemorrhaged eye and a broken tooth. As of December, Sofia police were conducting an internal investigation of the case.

According to the NGO Bulgarian Helsinki Committee (BHC), police brutality in prison and detention facilities occurred with impunity. The BHC cited prosecutorial statistics obtained through a court order indicating that in 2019 the prosecution tracked 78 open cases of police violence, closed 67 cases, and carried out 13 investigations that resulted in no prosecutions, no indictments, and no convictions. According to the BHC, physical abuse of detainees by police was widespread and disproportionately affected Romani suspects. Most cases were not included in statistics, since victims often did not report it because most considered reporting abuse to be pointless.

The prosecutor general reported to the National Assembly in September that 15 cases of police violence were under investigation.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were generally poor. There were reports of overcrowding in some facilities, prisoner-on-prisoner violence, prison staff corruption, and inadequate sanitary, living, and medical facilities.

Physical Conditions: In February the ombudsman recommended the closing of two low-security facilities, Keramichna Fabrika in Vratsa and Kremikovtzi near Sofia, as well as the Central Sofia Prison due to “extremely bad physical conditions, overcrowding, hygiene problems, and cockroach and bedbug infestations.” The BHC and the ombudsman identified several additional problems, including overcrowding, poor access to health care and its poor quality wherever available, declining access to education, and unjustified use of handcuffs in detention facilities and hospitals.

The BHC reported extremely poor conditions in the overcrowded detention center in Gabrovo, “the last underground jail,” located below ground level, with poor access to natural light, no ventilation, poor hygiene, no toilet or bathing facilities in the cells, and limited open-air space. In June the Ministry of Justice informed the BHC of the government’s decision to close down the Gabrovo facility and relocate it to a new facility that was being converted for that purpose.

In May the BHC urged the Supreme Judicial Council to include inmate complaints of isolation, torture, and degrading treatment in the list of “urgent” cases that courts were allowed to review during the COVID-19 state of emergency. In April the BHC reported that defendants in detention at Central Sofia Prison complained of the “lack of systematic and comprehensive health protection measures” vis-a-vis the threat of COVID-19. The complainants alleged that prison authorities mixed persons detained before and after the declaration of the pandemic and did not enforce protective and hygiene measures. The BHC claimed medical personnel did not report all cases of violence against prisoners by custodial staff to the prosecution service. As of December the prison administration reported 34 cases of prisoners and detainees infected with COVID-19, including 18 hospitalizations and one death.

In January the ombudsman reported there had been 24 deaths in 2019 at an institution for persons with dementia in the village of Gorsko Kosovo. The ombudsman identified overcrowding and poor sanitary conditions there as enduring problems. The Ministry of Labor and Social Policy inspected the facility, acknowledged the poor conditions, and suspended the placement of new residents, but did not find any violations on the part of the staff.

The ombudsman identified “extremely bad conditions” in state psychiatric hospitals, including overcrowding, poor physical conditions, meager food, and lack of adequate care. In December the Council of Europe’s Committee for the Prevention of Torture (CPT) reported “grossly insufficient” staffing at psychiatric hospitals and identified continuous physical mistreatment (slaps, pushes, punches, kicks, and hitting with sticks) of patients by staff. The CPT raised “serious concerns regarding the use of means of restraint in psychiatric hospitals,” including metal chains on wrists and ankles secured with padlocks for days on end.

The law provides for the establishment of closed-type centers or designation of closed-type areas within a refugee reception center for confinement in isolation of disorderly migrants.

Administration: Authorities investigated allegations of mistreatment. According to the CPT, the prison administration suffered from serious corruption as well as a shortage of health-care personnel. The BHC and the ombudsman also identified violations of privacy of correspondence and prison corruption as problems. Contrary to law, regulations allow night searches of sleeping quarters for unapproved possessions, and the ombudsman criticized the prison administration for conducting such searches. In December the law was amended to restrict prisoners’ right to appeal administrative acts such as punishment or relocation. These appeals are now limited to the local administrative courts, and cannot go to the Supreme Administrative Court. The ombudsman and lawyers expressed concerns that the new provision restricted prisoners’ right to justice, lead to contradictory court practices, and render citizens unequal before the law.

In March the BHC criticized the government’s decision to suspend prison visits for the duration of the coronavirus-related state of emergency (March 13 to May 13), asserting that authorities could have shown flexibility instead of instituting a general ban, since two-thirds of all prison visits took place behind a partition without physical contact. Authorities reinstated visits after May 13, when the state of emergency ended.

Human rights activists accused the prison administration of confiscating applications for membership to the Bulgarian Prisoner Association, an NGO founded by inmates to advocate for prisoner rights, and of punishing and physically abusing its members. NGOs complained that the prison administration refused to collaborate with them if the NGOs had anything to do with the Bulgarian Prisoner Association.

Independent Monitoring: The government permitted monitoring of prisons by independent nongovernmental observers. From August 10 to 21, a delegation from the CPT carried out an ad hoc visit to examine progress on the implementation of its recommendations concerning the treatment, conditions, and legal safeguards offered to psychiatric patients and residents of social care institutions.

Improvements: As of October the government refurbished a building to serve as a new detention facility in Kardjali, renovated the toilets in the detention facility in Plovdiv, and repaired the roofs of the prison facilities in Varna, Plovdiv, Pazardjik, and the detention facility in Sofia.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, there were reports that police at times abused their arrest and detention authority. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law provides that police normally must obtain a warrant prior to apprehending an individual. Police may hold a detainee for 24 hours without charge, and a prosecutor may authorize an additional 72 hours. A court must approve detention longer than the additional 72 hours. The law prohibits holding detainees in custody without indictment for more than two months if they are charged with misdemeanors. Detainees charged with felonies may be held without indictment for eight months, while persons suspected of crimes punishable by at least 15 years' imprisonment may be held up to 18 months without indictment. Prosecutors may not arrest military personnel without the defense minister's approval. Authorities generally observed these laws.

The law provides for release on personal recognizance, bail, and house arrest, and these measures were widely used.

The law provides for the right to counsel from the time of detention. Regulations are that detainees have access to legal counsel no later than two hours after detention and that a lawyer have access to the detainee within 30 minutes of his or her arrival at a police station. The law provides for government-funded legal aid for low-income defendants, who could choose from a list of public defenders provided by the bar associations. A national hotline provided free legal consultations eight hours per day.

The BHC reported that police denied lawyers access to persons detained in several police precincts in Sofia during antigovernment protests on September 2, telling the detainees they were not under arrest and did not need legal assistance. The ombudsman initiated an inspection in the Second Police Precinct that identified at least two cases in which detainees did not receive immediate access to a lawyer. Further, the ombudsman found no record of meetings between detainees and lawyers despite the precinct officers' claims of lawyers' visits several hours after the detentions.

On May 28, the Supreme Cassation Court denied the prosecutor general's request to reopen Bulgarian Prisoner Association leader Jock Palfreeman's parole case. The prosecutor general had challenged the Sofia Appellate Court's decision in the case, accusing the panel of judges of bias due to prior collaboration with the BHC, which the appellate court had asked to provide a written evaluation on the progress of Palfreeman's rehabilitation. Palfreeman sought a retrial and was appealing the expulsion order imposed concurrent with his parole.

Arbitrary Arrest: There were reports of arbitrary detention. For example, the BHC reported receiving numerous complaints from peaceful participants in antigovernment protests on September 2 that they were detained without being involved in any illegal activities and subsequently held for a long time in overcrowded cells without access to food or water. Police actions during that day's protests escalated after a group started throwing stones, firecrackers, and other objects at police.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but corruption, inefficiency, and lack of accountability were pervasive problems. Public trust in

the judicial system remained low because of the perception that magistrates were susceptible to political pressure and rendered unequal justice.

In February the National Assembly amended the Judicial System Act, excluding judges, prosecutors, and investigating magistrates from responsibility for their official actions in an administrative court. NGOs criticized the change, noting that it will make the judiciary unaccountable for acts of discrimination committed in their official capacities.

After the COVID-19 state of emergency expired in May, the Supreme Judicial Council decided to continue restricting public access to court sessions and to allow only the presence of both sides and their legal counsels in courtrooms, citing antipandemic precautions. The council ordered court press officers to use all available methods to provide information on case developments as a replacement for public access.

According to human rights organizations, the law has low standards for a fair trial, creating possibilities for the violation of lawyers' and defendants' procedural rights. In an interview with *Der Spiegel* on September 7, Supreme Cassation Court president Lozan Panov stated, "The Supreme Judicial Council, the judicial self-governance body...mainly consists of politically appointed and controlled members. Therefore, it will be fair to say that the most important parts of the Bulgarian judiciary are under political influence and can be corrupted."

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

The law presumes defendants are innocent until proven guilty. Defendants have the right to be informed promptly and in detail of the charges against them. They have the right to a timely trial, but long delays affected the delivery of justice in criminal procedures. All court hearings are public except for cases involving national security, endangering public morals, and affecting the privacy of juvenile defendants. Defendants have the right to be present at their trials and can demand a retrial if convicted in absentia unless they were evading justice at the time of the first trial.

The constitution and the law give defendants the right to an attorney, provided at public expense for those who cannot afford one. A defense attorney is mandatory

if the alleged crime carries a possible punishment of 10 or more years in prison; also if the defendant is a juvenile, foreigner, or person with mental or physical disabilities, or if the accused is absent. Defendants have the right to ample time and facilities to prepare a defense. They have the right to free interpretation as necessary from the moment they are charged through all appeals. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt. The law provides for the right of appeal, which was widely used.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law prohibits official discrimination in access to employment, education, health care, and other rights and freedoms provided in the constitution and the law. The government investigated complaints of discrimination, issued rulings, and imposed sanctions on violators. The law allows individuals to pursue a discrimination case through the court system or through the Commission for Protection against Discrimination. Individuals may file allegations of human rights abuses with courts and with the commission, which can impose fines on violators.

After all remedies in domestic courts are exhausted, individuals can appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

Property Restitution

According to the BHC, authorities evicted Romani families from their homes for political reasons ahead of elections, citing legal obligations to demolish illegal and hazardous buildings, while failing to provide the required support to the evicted persons, leaving them homeless.

While the government has no legislation specific to Holocaust-era property restitution, there are laws and mechanisms to address communist-era real estate claims (not including moveable property), including by foreign citizens. These laws were applied to cover Holocaust-related claims. All cases have long been closed.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions. In March the National Assembly passed a law on Measures and Actions during the state of emergency that allowed law enforcement agencies to access electronic data traffic in order to control quarantined persons. NGOs expressed concern that the law does not provide for judicial control of such access nor guarantees that it will not be applied to nonquarantined persons. NGOs also expressed concern that the provision will remain a part of the legislation after the state of emergency is over.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. Concerns persisted, however, that corporate and political pressure, combined with the growing and nontransparent concentration of media ownership and distribution networks, as well as government regulation of resources--including EU funds--and support for media, gravely damaged media pluralism. In July a media pluralism report conducted by the Center for Media Pluralism and Media Freedom for the European Commission, identified a "particularly high risk" for public media independence, corporate influence over editorial content, and concentration of media ownership.

In August the NGO Ethical Journalism Network reported that press freedom in the country was "under attack" by progovernment tabloid journalism, which silenced critical voices "through financial and security threats," often forcing ethical journalists to practice self-censorship to avoid harassment and intimidation. In October the representative of Reporters without Borders covering the EU and the Balkans stated the government had no will to change and improve the media environment. The representative also accused the government of reneging on its commitment to protect media freedom.

According to the BHC, freedom of expression was in a "state of free fall," marked by "severe political pressure on journalists and media" and "taming" of public

media. According to Transparency International Bulgaria, media ownership “is often unclear” and many media outlets “are financially dependent on state advertising, which may color their reporting and affect any criticism they may otherwise provide of government authorities.” On September 30, the European Commission’s *2020 Rule of Law Report* stated, “Distribution of state advertising expenditure is not based on clear and nondiscriminatory criteria.”

Freedom of Speech: The law provides for one to four years’ imprisonment for use of and incitement to “hate speech.” The law defines hate speech as instigation of hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital status, social status, or disability. NGOs alleged that politically motivated hate speech, facilitated by the presence of nationalist parties in the government, increased over past years.

According to human rights lawyer Mihail Ekimdjiev, prosecutors used the penal code provision punishing the dissemination of false information to suppress free speech and target government critics. He cited as an example the charges in April against the president of the Bulgarian Pharmaceutical Union, Asena Serbezova, over her public warning of possible medicine shortage due to the COVID-19 pandemic, which, according to the prosecution, “evoked unnecessary alarm.” In July a prosecutor in Sofia indicted Serbezova and requested that the court impose a fine. In September the court rejected the case, stating that the indictment contained numerous procedural violations. At the end of October, the prosecution charged Serbezova again, and a trial was pending as of December.

Individuals generally criticized the government without official reprisal. In July, however, an employee of state-owned Sofia airport alleged that management fired him two days after he had demanded the prime minister’s resignation in a comment to the latter’s social media livestream video. The company’s human resources department justified the employee’s release with “choice of team members” by a newly appointed manager.

Freedom of Press and Media, Including Online Media: The media were active and expressed a wide variety of views. Laws restricting “hate speech” also applied to print media. According to the 2020 annual report by the partner organizations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, “Media ownership is opaque and characterized by the capture of the media market by oligarchs who use their media power to exert political influence and attack and denigrate rivals and critics.” The *EU Rule of Law Report* noted that many media outlets do not comply with the law that requires public disclosure of

ownership, and the public did not have easy access to the disclosed information. Domestic and international organizations criticized both print and electronic media for editorial bias, lack of transparency in their financing and ownership, and susceptibility to political influence and economic incentives.

The consolidation of media ownership by oligarchs made news outlets increasingly vulnerable to political influence over editorial policy. Independent media outlets were subject to open attacks from politicians at all levels and from administrative and judicial pressure. Publicly funded Bulgarian National Television and Bulgarian National Radio were subject to attempts to control their editorial policies through politicized influence on their leadership.

Businessman and National Assembly member Delyan Peevski, who officially owns five newspapers, repeatedly used his control over print media distribution channels and advertising revenues to ensure positive coverage of affiliated political actors and the prosecutor general. Media and telecommunications conglomerate United Group offered to purchase these five newspapers from Peevski, but at year's end the antimonopoly commission had not yet approved the deal.

Violence and Harassment: A Council of Europe report stated that independent journalists and media outlets were regularly subjected to intimidation in person and online. It reported a worsening working environment for journalists due to “open hostility of elected politicians and sustained attacks on independent media through administrative and judicial harassment, as well as physical threats.”

In one example of an attack on journalists, on March 17, three masked men attacked the prominent investigative journalist and chief editor of the *168 Chassa* weekly, Slavi Angelov, in front of his home, beating him and inflicting severe injuries. On April 23, the prosecutor general announced that police arrested the alleged attackers, brothers Georgi and Nikola Asenov and Biser Mitov. The prosecutor general further stated that “persons who seek to destabilize the government, are targets of a criminal investigation, and are hiding...outside the country” and had ordered the attack. As of December pretrial proceedings were ongoing; one defendant was released on bail.

On May 22, Reporters without Borders alleged the trial of *Economedia* publisher Ivo Prokopiev for privatization fraud was an instance of “increasing political pressure against the main independent media group” by “politically controlled bodies” in “response to journalistic investigations that revealed unpleasant truths of corruption cases.” They noted the judicial irregularities behind the case and that

the prosecutor general was practicing selective prosecution, pressing charges against Prokopiev but not Delyan Peevski, for example, a controversial oligarch who controls a large segment of the media environment.

In September the Association of European Journalists condemned “the illegal arrest and police violence against journalist Dimitar Kenarov” while Kenarov covered an antigovernment protest. According to Kenarov’s post on social media and eyewitness statements, police grabbed him, threw him on the ground, and kicked his head before snatching his camera and leaving him handcuffed and on the ground for hours. Responding to a media query in December, the Ministry of Interior reported that despite Kenarov’s visible wounds and multiple witness statements, its internal investigation concluded there was no evidence police had used any force against Kenarov, and closed the investigation.

Censorship or Content Restrictions: Journalists reported editorial prohibitions on covering specific persons and topics, and the imposition of political points of view by corporate leaders, with the implied support of the government.

In early 2019 oligarch Kiril Domuschiev acquired the country’s largest private media operator, Nova Broadcasting Group. Several respected investigative journalists and employees were fired from its flagship Nova TV station in January and February, and others left due to pressure or disagreements with the new owners. They were replaced by executives and journalists from Kanal 3, a television station believed to be tied to oligarch and National Assembly member Delyan Peevski. Media analysts assessed that Nova Group-affiliated media outlets shifted editorial policy towards a more progovernment stance. Contacts at Nova TV stated the station continued to lose journalists and other professionals after the initial round of firings, discouraged by appointments of a co-CEO and news director from Kanal 3, who were close to Peevski. Nova TV journalists said their copy was being rewritten by the new executives, so they were not allowed any freedom in reporting the news. Other journalists were thought to have been sent on assignments with prepared copy for their reports. Journalists who left Nova TV stated they were looking for jobs in other sectors because they do not feel there is any hope for professional, good journalism in the country.

Libel/Slander Laws: Libel is illegal and punishable by a fine and public censure. According to the Association of European Journalists’ October survey, 49 percent of journalists viewed slander as a major harassment tool against their work, including lawsuits against their publications.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were reports, however, that the government exceeded its legal authority in monitoring private online communications, and that security services routinely questioned individuals about their social media behavior.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government mostly respected these rights.

Freedom of Peaceful Assembly

There were numerous reports and video clips shared on social media of police violence during antigovernment protests in July, August, and September. The BHC and the ombudsman stated they had received numerous reports of “disproportionate use of force” against nonviolent protesters, including punching, kicking, dragging, and beating handcuffed persons. The ombudsman noted that some police officers used brass knuckles, which is illegal. A video shared online showed how on July 10, police grabbed and handcuffed protesting law student Evgeni Marchev and dragged him behind a column where four officers beat him. Marchev was hospitalized with head and chest injuries and bruises covering his body. On July 27, the Ministry of Interior announced that the four police officers involved would receive disciplinary sanctions for “violating basic rights of citizens by use of excessive physical force” but declined to share details of the sanctions.

Two business owners, Marian Kolev of the toy store Hippoland and Yordan Kostadinov of the winery Zagrey, complained that several government bodies conducted thorough inspections of their companies just two days after their employees participated in the September 2 protest in Sofia against the government and the prosecutor general. The Hippoland employees wore company-logo shirts and the Zagrey employees used a company vehicle for transportation to Sofia. The inspections failed to identify any wrongdoing, but the two businessmen expressed skepticism in the ability of so many government agencies to coordinate

inspections, suspecting harassment. On November 12, the Commission for Protection of Competition fined Hippoland for unfair competition.

Freedom of Association

Authorities continued to deny registration of ethnic-Macedonian activist groups such as the United Macedonian Organization-Ilinden, the Society of Oppressed Macedonians, Victims of Communist Terror, and the Macedonian Ethnic Tolerance Club in Bulgaria, despite a May judgment and more than 10 prior decisions by the European Court of Human Rights that the denials violated the groups' freedom of association. On October 1, the Council of Europe's Committee for the Prevention of Torture expressed in an interim resolution "deep concern" with regard to authorities' "formalistic application of legal requirements" applied persistently to refuse registration to the United Macedonian Organization-Ilinden and similar associations since 2006. In November 2019 the prosecutor general acted on Internal Macedonian Revolutionary Organization (VMRO) leader and defense minister Krasimir Karakachanov's complaint about attempts by two associations, the Civil Association for Protection of Fundamental Individual Human Rights and Ancient Macedonians, to create a Macedonian minority. The prosecutor general petitioned the court to dissolve the associations, accusing them of a political agenda threatening the unity and security of the nation.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. During the state of emergency from March to May due to the COVID-19 pandemic, the government limited internal travel and established police checkpoints to enforce public health orders. Subsequent health emergency orders did not include travel restrictions or checkpoints.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Human rights organizations continued to report widespread “pushbacks,” violence, robbery, and humiliating practices against migrants and asylum seekers along the border with Turkey. As of December the Ministry of Interior reported 11,751 attempts to enter the country irregularly across the border during which border authorities detained 426 persons. According to the NGO Bordermonitoring, border authorities on February 28 pushed back 60 migrants on the border with Turkey, referring to a press release by the defense minister which stated, “border police stopped two groups of approximately 30 migrants each and prevented them from crossing the border.” The BHC alleged that the government had a strategy of “neglecting to detect and apprehend” a major portion of the asylum seekers entering the country in order to “evade the ensuing responsibilities under the Dublin regulation or a bilateral readmission treaty.”

Refoulement: The BHC alleged that the Migration Directorate deported asylum seekers before completion of their refugee status determination. In July, Radio Free Europe reported that the prime minister and the prosecutor general personally approved the 2016 deportation of businessman Abdullah Buyuk to Turkey on grounds that his identification papers had expired. Radio Free Europe alleged the deportation was in response to the Turkish Embassy’s unofficial request for Buyuk’s extradition for his alleged ties with Fethullah Gulen. In 2016 NGOs accused authorities of violating a court order prohibiting the extradition of Buyuk, who had filed for political asylum, thus breaching due process. On October 9, the minister of interior reported to the National Assembly that authorities had deported Buyuk under the EU-Turkey readmission agreement, in addition to 90 other Turkish citizens in 2016, 105 in 2017, 70 in 2018, 108 in 2019, and 58 in 2020.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees. The president may grant asylum to persons who are persecuted for their belief or activities advocating for internationally recognized rights and freedoms. Asylum seekers who cross the border irregularly are subject to detention. The BHC expressed concerns about the transparency and objectivity of the refugee status determination process, alleging

that refugee center directors could alter the case officer's determination to grant protection or not and even replace a case officer without proper justification.

Freedom of Movement: The law restricts asylum seekers' movement to the administrative region in which the reception center accommodating them is located. The restriction is valid until the asylum process is completed.

Access to Basic Services: Asylum seekers had access to school education, health-care, and language instruction. The law authorizes mayors to sign integration agreements with persons who have refugee status, specifying the services they will receive--housing, education, language training, health services, professional qualification, and job search assistance--as well as the obligations of the responsible institutions. NGOs claimed the government made inconsistent efforts to integrate refugees. According to the Asylum Information Database report on the country published in February, "No integration activities are planned, funded, or made available to recognized refugees or subsidiary protection holders."

A safety zone for unaccompanied children seeking asylum was available at two reception centers in Sofia to provide 24-hour care and specialized services in an environment adapted to their needs.

Durable Solutions: The government accepted refugees for resettlement, offered naturalization to refugees residing on its territory, and assisted in their voluntary return to their homes. In November authorities relocated 17 unaccompanied refugee children from Greece as part of the country's commitment to accept 70 unaccompanied children, including 20 from Greece.

Temporary Protection: The Council of Ministers may provide temporary protection in case of mass influx of foreign nationals driven by an armed conflict, civil war, violence, or large-scale human rights violations in their country of origin, as determined by the Council of the European Union. The government also provided humanitarian protection to individuals who may not qualify as refugees and provided it to 443 persons during the year, as of December.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: There were no reports of major irregularities during the snap general election in 2017 or the 2016 presidential election. Most political commentators, including the election observation mission of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe, considered the general election free and fair, while noting that “some parties used inflammatory and xenophobic rhetoric, mainly against Roma and Turkish communities.”

The law prohibits campaigning in languages other than Bulgarian. According to ODIHR, this requirement, as well as the absence of official voter information in minority languages, limited the ability of ethnic minority groups to understand election rules and to participate effectively in the election process. NGOs reported that address registration laws limited the ability of Roma occupying illegal housing to obtain identity cards, which in turn restricted their ability to register for and vote in elections.

Transparency International Bulgaria reported numerous cases of controlled voting and organizational violations that “infringe significantly on voter rights and could be assessed as an indicator of deliberate interference with the electoral process” during the two local election rounds in October and November 2019.

Political Parties and Political Participation: The law requires a political party to have at least 2,500 members to register officially. The constitution prohibits the establishment of political parties along religious, ethnic, or racial lines, but the prohibition did not appear to weaken the role of some ethnic minorities in the political process, as a number of parties represented various ethnic minority groups. NGOs may not engage in political activity.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Women held mayoral offices in 37 out of 265 municipalities and 27 percent of elected seats in the National Assembly. There were no Romani members in the National Assembly, and Roma were underrepresented in appointed leadership positions compared to the size of their population. Ethnic Turks, Roma, and Pomaks (descendants of Slavic Bulgarians who converted to Islam under Ottoman rule) held elected positions at the local level.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials in all branches of government reportedly engaged in corrupt practices with impunity. There were reports of government corruption, including bribery, conflict of interest, elaborate embezzlement schemes, procurement violations, and influence trading.

In May the EC's annual *European Semester Report* identified corruption as a major obstacle to investment, noting that "challenges persist in the fight against corruption," and that the country "still lacks a solid criminal track record of concrete results on high-level corruption cases." In its September report, the EC noted that "the legal framework to fight corruption is largely in place" but identified "the complex and formalistic...system of criminal procedural law... as an obstacle to the investigation and prosecution of high-level corruption."

Corruption: The prosecutor general reported to the National Assembly that as of September prosecutors had opened 525 new investigations, bringing the total number of ongoing corruption cases to 2,282, and they had indicted 283 persons, obtaining 156 convictions. According to the annual report of the prosecution service, less than 5 percent of corruption convictions resulted in prison time. In June the NGO Anticorruption Fund reported that out of 40 high-profile investigations in the previous five years against former ministers, deputy ministers, National Assembly members, and magistrates it has monitored, only three resulted in convictions, resulting in two suspended sentences and one fine, while seven cases ended in acquittal, five cases were pending appeal, and the rest were mostly in an uncertain status.

On July 6, the Specialized Appellate Criminal Court reduced the sentence of the bribery conviction of the former mayor of Sofia's Mladost district, Desislava Ivancheva, from 20 to eight years in prison, a fine, and a ban on holding high-level public office for 20 years. The prison sentences of Ivancheva's codefendants Bilyana Petrova and Petko Dyulgerov were also reduced from 15 to seven years and 12 to six years, respectively. According to the prosecution, Ivancheva solicited a 500,000 euro (\$600,000) bribe from an investor in construction projects, with Dyulgerov serving as intermediary and Petrova as an accomplice.

In September a prosecutor indicted the former head of the State Agency for Bulgarians Abroad, Petar Haralampiev, and three other employees of the agency for receiving bribes and trading in influence to aid foreign citizens in obtaining the country's passports. Haralampiev and the first secretary of the agency were also

charged with various types of malfeasance. As of December the court had not scheduled a trial.

Financial Disclosure: The law mandates that government officials make annual public declarations of their assets and income as well as any circumstances in which they could face accusations of using their position for personal gain. The Commission for Combating Corruption and Forfeiture of Illicit Assets verified and monitored disclosures for all officials except magistrates, whose declarations were monitored by the Supreme Judicial Council's inspectorate. High-level public officials and magistrates who fail to submit a financial disclosure declaration can incur fines. The provision was enforced.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from national and local government officials.

Some political parties, civic movements, and media outlets publicly attacked and advocated closing certain NGOs that defended particular minority groups and obtained funding from foreign donors. In February the government established a Civil Society Development Council headed by a deputy prime minister. In June the Commission for Combating Corruption and Forfeiture of Illicit Assets suspended the formation of the council. The commission challenged the election of council members over concerns that the election was insufficiently publicized and only a small number of NGOs participated, limiting the choice of members and making the body unrepresentative. The commission was also concerned the council would be in a position to disburse a large amount of government grant funds, creating potential conflicts of interest. NGOs dismissed the commission's arguments and in turn accused the commission of furthering the anti-NGO political agenda of the VMRO party. As of October the government had not responded to the commission, and the council remained suspended.

As in past years, BHC staff reported receiving threats and spontaneous verbal assaults by persons who recognized them.

Government Human Rights Bodies: The ombudsman is an independent constitutional body elected by the National Assembly, with a five-year mandate.

The ombudsman reviews individuals' complaints against the government for violations of rights and freedoms. The ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals to end existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional.

The Commission for Protection against Discrimination is an independent specialized agency for preventing and protecting against discrimination and ensuring equal opportunity.

A National Assembly permanent committee covers religious denominations and human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, and authorities generally enforced its provisions when violations came to their attention. Sentences for rape convictions range up to 20 years in prison. There is no specific criminal law against spousal rape; authorities could prosecute spousal rape under the general rape statute, but rarely did so. According to the NGO Bulgarian Fund for Women, domestic violence helplines received up to 50 percent more reports between April and November during the COVID-19 pandemic.

The law provides penalties of up to 10 years' imprisonment for crimes committed in the context of domestic violence. The law defines domestic violence as systematic physical, sexual, or psychological violence; subjection to economic dependence; or coercive restriction of the personal life, personal liberty, and personal rights of a parent or child, a spouse or former spouse, a person with whom one shares a child, a cohabiting partner or former cohabiting partner, or a member or former member of the same household. The law restricts the persons who can report domestic violence to the victim or the victim's direct relatives, and excludes friends and other unrelated persons. The law empowers courts to impose fines, issue restraining or eviction orders, and to order special counseling. Noncompliance with a restraining order may result in imprisonment for up to three years, or a fine. According to a nationwide study on violence commissioned by the Ministry of Labor and Social Policy and released in February, 56 percent of the population has experienced domestic violence.

In one example, on June 9, the Sofia regional court sentenced a man to one year in prison for inflicting bodily injuries on his wife of 15 years. The court heard testimony from witnesses including the victim, her daughter, a neighbor, and police who responded to an emergency call during a family altercation. The victim also had medical records showing injuries from two prior assaults. According to the victim, she only filed a complaint after long-term abuse because she noticed that her 10-year-old son had started copying his father's behavior.

In January the NGO Center for Creative Justice reported concerns that the law does not provide sufficient protection to victims of domestic violence. In addition, a Supreme Cassation Court judgment granting a perpetrator of domestic violence the right to collect rent from the survivor could discourage victims from reporting domestic violence or petitioning for a restraining order. In June the ombudsman criticized the legal provisions exonerating the offending person from prosecution for inflicting a medium injury (e.g., a broken tooth) or a more serious injury, such as deliberately infecting a person with a sexually transmitted disease, and sent the Justice Ministry a proposal for abolishing these legal provisions.

NGOs continued to express concern over an increase in cases in which women or girls were killed as a result of domestic violence. NGOs criticized authorities for not tracking domestic violence cases and not keeping statistics, which NGOs claimed were needed for authorities to assess the risk of abuse turning deadly.

In June, Sofia police reported nine deaths from domestic violence since the beginning of the COVID-19-related state of emergency in mid-March, in addition to receiving 3,500 reports of domestic aggression and the Sofia City Court issuing 600 restraining orders. In September, for example, a man set his partner on fire in the village of Tri Kladentsi while she was sleeping. The woman died in the hospital. According to news reports, the man had previously attempted to drown her in a lake. As of October pretrial proceedings were underway and the perpetrator remained in custody.

The Animus Association Foundation and other NGOs provided short-term protection and counseling to domestic violence survivors in 22 crisis centers and shelters throughout the country. The government funded an NGO-operated 24-hour free helpline that survivors could call for counseling, information, and support, as well as to report abuse. Police and social workers referred domestic violence survivors to NGO-run shelters.

Sexual Harassment: The law identifies sexual harassment as a specific form of discrimination rather than a criminal offense, although prosecutors may identify cases in which harassment involves coercion combined with sexual exploitation. If prosecuted as coercion, sexual harassment is punishable by up to six years in prison.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: While the law provides women the same legal status and rights as men, women faced some discrimination in economic participation and political empowerment. The law establishes equal opportunities in all spheres of public, economic, and political life, equal access to public resources, equal treatment, exclusion of gender-based discrimination and violence, balanced representation of men and women in decision-making authorities, and overcoming gender-based stereotypes.

In March the UN Committee on the Elimination of Discrimination against Women identified an increased number of cases in the country of “antigender discourse in the public domain, public backlash in the perception of gender equality, and misogynistic statements in the media, including by high-ranking politicians.” The committee also expressed concern that women facing discrimination had “limited access to justice owing to pervasive corruption, social stigma, the inaccessibility of the judicial system, and gender bias among law enforcement officers.” The committee further noted that women with disabilities and Romani women were “underrepresented in the parliament, ministerial positions, decision-making positions at the municipal level, and high-ranking posts in the foreign service.”

On December 22, the government adopted the new 10-year *National Strategy for Encouraging the Equality between Women and Men*, which focuses on five priority areas: equality in the labor market and an equal level of economic independence; decreasing the gender pay gap and income gaps; equal participation in decision-making; combating gender-based violence and providing victim protection and support; and overcoming gender stereotypes and sexism.

According to the National Statistical Institute, in 2019 women received on average pensions that were 32 percent lower than those for men. Women faced discrimination in employment, in the workplace, and in access to pension benefits and retirement (see section 7.d.).

Children

Birth Registration: Citizenship derives from one's parents or by birth within the country's territory, unless one receives foreign citizenship by heritage. The law requires birth registration within seven days.

Education: Due to a lack of access to appropriate devices or the internet, the Ministry of Education estimated that 35,000 children could not fully participate in education after the COVID-19 pandemic forced schools to switch to online learning in mid-March. The Romani NGO Amalipe conducted a survey in 200 schools with majority Romani enrollment and found that in a quarter of them, more than 50 percent of the students did not have devices able to access online content. In 20 percent of the schools, most students could not afford to pay for suitable internet service. The survey found that 13 percent of the schools served neighborhoods where there was no internet service available.

Child Abuse: The law protects children against any type of abuse, including physical, psychological, and sexual violence and exploitation. The law punishes violators with fines, unless the abuses constitute a criminal or more severe administrative offense. Violence against children continued to be a problem.

In February the State Agency for Child Protection announced that it was taking over the national helpline for children from NGOs, explaining that the agency was ready to operate the system and that the public preferred the government to operate the helpline. In an open letter to the prime minister, 76 NGOs expressed concern that the transition would jeopardize the helpline's operation and put at risk children and parents who seek help. The NGOs voiced suspicion that the decision stemmed from the "propaganda, misinformation, and fake news regarding the work of the helpline" spread throughout 2019 by other NGOs such as March for the Family and Parents United for Children, nationalist political parties such as VMRO and Vazrazhdane, and the Holy Synod of the Bulgarian Orthodox Church in a campaign against the government's draft *Strategy for the Child 2019-2030*.

In June the NGO National Network for Children released its ninth annual "report card," which concluded that "the government departed from the development of policies supporting children and families."

In July a video posted on social networks showed a 32-year-old woman from Pernik beating her three-year-old daughter severely "because your father does not love you, he does not love me either." The mother recorded it herself to "punish"

the father. Authorities placed the child in a family-type home and brought charges for domestic abuse against the mother.

According to UNICEF one-third of all schoolchildren had experienced violence or harassment in school at least once within the year.

Child, Early, and Forced Marriage: The minimum age for marriage is 18. In exceptional cases, a person may enter into marriage at 16 with permission from the regional court. In its concluding observations in March, the UN Committee on the Elimination of Discrimination against Women expressed concern about the “persistence of child and/or forced marriages, in particular among Roma girls.” NGOs criticized authorities for treating early marriages as an ethnic Romani rather than a gender problem but acknowledged that child marriage was pervasive in Romani communities. As of September 23, the country’s courts had sentenced 85 adults for cohabiting with girls younger than 16, 11 adults for cohabiting with girls younger than 14, and 11 parents for aiding and abetting such cohabitation.

Sexual Exploitation of Children: The law differentiates between forcing children into prostitution, which is punishable by up to eight years’ imprisonment and a fine, and child sex trafficking, which is punishable by up to 10 years’ imprisonment and a fine. The law prohibits child pornography and provides for up to six years in prison and a fine for violations. Authorities enforced the law. The legal minimum age for consensual sex is 14. The report on the April 2019 visit of the UN special rapporteur on the sale and sexual exploitation of children found that “child sexual exploitation, including sexual abuse within the inner circle of trust and at a residential institution, is real and extensive.” The report acknowledged there was a lack of systematic and reliable data on the scope of the problem and cited evidence gathered from child protection stakeholders. The report also identified insufficient cooperation among the various authorities engaged in child protection as a problem.

Displaced Children: As of November a total of 512 unaccompanied minors sought asylum in the country, almost the same number as during the same period in 2019. As of October the Supreme Administrative Court was reviewing a case based on the 2017 petition from the ombudsman to establish uniform legal treatment of unaccompanied children across the court system. According to the ombudsman, courts apply varying standards for determining whether migrant children are unaccompanied and routinely placed children designated as such in detention centers for irregular migrants.

Institutionalized Children: The government continued to close residential care institutions for children. As of January a total of 476 children remained to be relocated from the 19 legacy facilities and placed in community-based care. According to the government, the focus of the reform was on preventing child abandonment and encouraging reintegration in a family environment. NGOs, however, believed that the new family-type placement centers did not ensure improved quality of life for children and the quality of family support services remained unchanged.

In November 2019, the NGO Disabilities Rights International published a report which concluded that the country's deinstitutionalization reform had "replaced a system of large, old orphanages with newer, smaller buildings that are still operating as institutions" and that, while physical conditions in group homes were clean, they remained "dehumanizing and dangerous." Most of the institutions in question housed children with disabilities, and while they provided good physical conditions (having been recently renovated or built), NGOs alleged that the service providers--other NGOs--isolated residents and immobilized them to avoid any trouble. The Ministry of Labor and Social Policy described the report's findings as "biased, nonrepresentative, and seeking to demean the deinstitutionalization process."

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The 2011 census indicated that 1,130 Jews lived in the country, but local Jewish organizations estimated the actual number was 5,000 to 6,000.

Anti-Semitic rhetoric continued to appear regularly on social networking sites and as comments under online media articles. The Organization of Bulgarian Jews, or "Shalom," reported a trend of increasing online anti-Semitic speech and conspiracy theories in the context of the coronavirus pandemic, as well as periodic vandalism of Jewish cemeteries and monuments. Souvenirs with Nazi insignia were available in tourist areas around the country. According to Shalom, the national coordinator on combating anti-Semitism and the Ministry of Interior "responded unflinchingly"

to anti-Semitic incidents, but weak laws prevented the authorities from punishing offenders more severely.

In January vandals broke tombstones and fences in the Jewish cemetery in Shumen. As of October authorities had not identified the perpetrators of the incident. In June vandals defaced a playground and the facades of the adjacent houses in Sofia with 56 swastikas. Authorities responded quickly, cleaning up the playground.

In February the Supreme Administrative Court upheld Sofia mayor Yordanka Fandakova's ban on an annual march which gathers right-wing extremists from across Europe to honor Hristo Lukov, 1940s leader of an anti-Semitic and pro-Nazi organization, the Union of Bulgarian National Legions. The mayor's ban cited serious concerns that a torchlight march in downtown Sofia would disrupt public order; the ban restricted the event to laying flowers at Lukov's plaque in front of his house on February 22. The Ministry of Foreign Affairs, the Democratic Bulgaria alliance, the Bulgarian Socialist Party, NGOs, international organizations, and diplomatic missions denounced the rally. On February 10, a prosecutor petitioned the Sofia city court with a claim for deregistration of the rally organizer, Bulgarian National Union-Edelweiss, claiming its activity violated individual rights, incited ethnic, racial, and religious hostility and homophobia, spread anti-Semitic propaganda, and undermined national integrity. As of December the case was ongoing in the Sofia city court.

In June, Shalom reported organizations such as the Revived Bulgaria-Bulgarian National Unity and Military Union-Bulgarian National Movement, or "Shipka," spread online propaganda alleging Jews were involved in the COVID-19 pandemic in order to provide "a deadly pseudoantidote" that would lead to the "mass extermination of people." Authorities issued a warning protocol to Shipka leader Lyudmila Kostadinova, informing her that she would be held criminally liable if she persisted in making anti-Semitic statements.

On December 16, Sofia University fired Mihail Mirchev, a part-time professor teaching a course on social work with ethnic groups, after the university's ethics commission found his lectures included negative ethnic stereotypes and denigrating cliches. The university's decision came after a student society, Shalom, and other NGOs protested that Mirchev's lectures featured racist, xenophobic, and anti-Semitic content such as: "Is it possible that Bulgaria could turn into a Jewish country if they, being fewer than 1 percent, own the state, the

capital, the media, and the art?” Mirchev explained to the ethics commission that his words had been taken out of context and he denied sharing such views.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law protects the rights of persons with physical, mental, intellectual, and sensory disabilities, including their access to health services, education, employment, housing, public infrastructure, transportation, sports and cultural events, public and political events, the judicial system, and other services. The government did not effectively enforce these provisions, focusing most of its efforts on providing disability pensions, social services, and institutional care. According to NGOs, the ongoing deinstitutionalization, which was designed to be a carbon copy of a similar reform of childcare institutions, failed to reintegrate persons with disabilities in the community. Instead, the government allocated domestic and EU resources for institutional care.

In January 2019 the prosecution service opened investigations against members of medical expert evaluation boards for defrauding the country’s social assistance system by approving “fake disability pensions.” As of October the investigations were ongoing.

While the law requires improved access to public and transportation infrastructure for persons with disabilities, enforcement lagged in some new public works projects and existing buildings. The Commission for Protection against Discrimination continued its nationwide campaign of inspecting public buildings, utility providers, telecommunications operators, banks, and insurance companies. Those not in compliance with the law for persons with disabilities were fined. According to the commission, while there was a general consensus on the problems faced by persons with disabilities, solutions took time to implement, and persons with disabilities had difficulty accessing not only public infrastructure, but also employment, health-care services, and education. According to the informal group Accessibility Alliance, the public environment for persons with disabilities remained a problem, as the law does not require accessibility of public development projects.

The law promotes the employment of persons with disabilities and covers 30 to 50 percent of an employer's related insurance costs in addition to the full cost of modifying and equipping workplaces to accommodate them. The government provided a 24-month program of subsidies for employers who hire unemployed persons with a permanent disability. The law requires that companies with 50 to 99 employees hire at least one person with a permanent disability; in larger companies, persons with permanent disabilities must make up at least 2 percent of the workforce. According to the National Statistical Institute, in 2019 the number of unemployed persons with disabilities dropped by 4.8 percent and the number of employed persons with disabilities increased twofold compared to 2018.

Individuals with mental and physical disabilities were widely stigmatized and often housed in institutions in remote areas under harsh conditions. According to NGOs, the government did not provide adequate medical care for all persons with mental disabilities. In February 2019 the NGOs European Network for Independent Living, the Center for Independent Living, and the Validity Foundation issued a petition that claimed replacing legacy institutions with smaller community-based centers would result in "transinstitutionalization" and fail to deal with the "deeply ingrained discrimination, social exclusion, and segregation of these groups."

The Ministry of Education transformed most of the 55 "special schools" for students with specific education needs into education support centers, leaving only five segregated schools with approximately 500 students with sensory and hearing disabilities. Most of the remaining 18,000 students with disabilities attended mainstream schools. Those studying in segregated schools received diplomas that higher-level learning establishments did not recognize as qualifying the student for further education.

In July the NGO Life with Down Syndrome Foundation petitioned authorities with a claim that medical certification regulations discriminated against children with Down syndrome, neglected their needs, damaged their entitlement to financial support, and restricted their right to a quality and dignified life. The regulations instruct the assessment committee to assign children with genetic anomalies up to the age of three a 50 percent disability and those older than age three a 30 percent disability, which determines the level of support they are entitled to, including financial benefits, and depriving them of additional opportunities for physical and psychological development.

NGOs believed police and prosecutors lacked training and skills in dealing with persons with mental disabilities and often traumatized them further with their actions.

The law provides specific measures for persons with disabilities to have access to the polls, including mobile ballot boxes, voting in a polling station of their choice, and assisted voting. According to the OSCE Office of Democratic Institutions and Human Rights, those measures were “not sufficient to ensure equal participation, especially for persons with visual impairments who cannot vote independently.”

Members of National/Racial/Ethnic Minority Groups

Societal intolerance against minority groups persisted, and manifested in occasional violence against the Roma in particular, as well as societal discrimination against ethnic Turks. Political and government actors sometimes condoned or prompted it. Human rights organizations reported that the level of racial discrimination against Roma persisted and increased during the coronavirus state of emergency. Media outlets often described Roma and other minority groups using discriminatory, denigrating, and abusive language, highlighting instances in which Romani persons had committed a crime. Nationalist parties such as Ataka, VMRO, and the National Front for Salvation of Bulgaria routinely resorted to strong anti-Romani, anti-Turkish, and anti-Semitic slogans and rhetoric. In May the UN special rapporteurs on racism and minority issues stated that “racial discrimination and racism within state institutions is a reality,” and called on the government to condemn hate speech and racist and nationalist populism targeting Roma and other minorities.

On May 14, four persons between the ages of 16 and 20 assaulted a 15-year-old Rom, Stefan Stefanov, near a school in Lyaskovets while he was on his way to a local shop. Stefanov subsequently stated that he lost consciousness after the first punch and only remembered waking up later in a park. According to media reports, the attackers’ parents offered to pay Stefanov a settlement if his family withdrew the charges. As of October police were investigating.

According to NGOs, government authorities, pressured by governing coalition member VMRO, imposed ethnically biased measures on Romani neighborhoods during the coronavirus crisis by restricting movement to and from them with police checkpoints even before identifying cases of infection. Local governments quarantined at least nine Romani neighborhoods during the pandemic compared with only three non-Romani communities. NGOs pointed out that while Romani

neighborhoods were locked down, which restricted their residents' access to basic services such as pharmacies and supermarkets, and contributed to higher unemployment, other neighborhoods with the same, or sometimes worse, levels of COVID-19 remained open. After the government lifted the state of emergency in May, VMRO insisted that Romani "ghettos" should remain restricted.

According to the Standing Roma Conference, local authorities disproportionately targeted illegal Romani dwellings for demolition. NGOs frequently petitioned the European Court of Human Rights to order the government to freeze the razing of homes in Romani neighborhoods until authorities provided adequate alternative accommodation for pregnant women, children, the elderly, and sick persons. In August the local government in Stara Zagora demolished 97 illegally built dwellings in the Romani neighborhood of Loznitsa, planning to turn the open space into a pine forest. Residents affected by the demolition told journalists they had been paying taxes on their properties and had no housing alternative, but the municipality had refused to sell them the land and legalize the houses.

The law establishes Bulgarian as the official language of instruction in the country's public education system but allows instruction in foreign languages, provided that instruction in Bulgarian language and literature is conducted in Bulgarian. The law also permits study of the mother tongue. Local government and school officials reported they were instructed to ensure that primary school classes were conducted only in Bulgarian, even in schools where more than 50 percent of the students had Turkish or Romani as their mother tongue. There were officially approved curricula for the teaching of Armenian, Hebrew, Romani, and Turkish.

According to the National Statistical Institute, the average number of students who learned their mother tongue in public schools declined by nearly 14 percent for a second consecutive year, although there was a 22 percent increase in the number of Romani students studying their mother tongue. However, Romani NGOs claimed there were no students learning Romani and there was no officially approved textbook. The government operates foreign language schools in English, Spanish, German, Hebrew, French, and Italian, but none in Turkish.

On October 14, Kemal Eshref, GERB party regional coordinator and spouse of the deputy regional governor of Shumen, wrote on Facebook that since more than 50 percent of the population in Shumen was Turkish, school instruction in the region should be in Turkish. GERB's local leadership distanced itself from Eshref's statement, opposition socialist member of the National Assembly Ivan Ivanov

called for prosecutorial investigation, and VMRO National Assembly member Dean Stanchev characterized it as “scandalous provocation, bordering on national treason since it represents an open call to separatism.” After the backlash, Eshref posted an apology on October 17 “to all who felt offended by his previous post,” explaining that it referred to allowing Turkish-speaking students an opportunity to learn their language as part of the elective curriculum.

The law prohibits ethnic segregation in multiethnic schools and kindergartens but allows ethnic segregation of entire schools. Of Romani children, 30 percent (up from 16 percent five years earlier) were enrolled in segregated schools outside mainstream education, according to the European Roma Rights Center. According to the NGO Amalipe, approximately 10 percent of general education schools in the country were ethnically segregated. Romani children often attended de facto segregated schools where they received inferior education. There were instances of ethnic Bulgarian students withdrawing from desegregated schools, thereby effectively resegregating them. Romani NGOs reported that many schools throughout the country refused to enroll Romani students. In March the Blagoevgrad regional court confirmed the Commission for Protection against Discrimination’s sanction on a local school principal for racial segregation and ethnic discrimination. In 2018 the principal refused to enroll new Romani students, arguing that the school had become segregated and she wanted to reverse that trend.

The Education Ministry provided financial support to municipalities that pursued policies for educational desegregation and prevention of resegregation.

According to the NGO Trust for Social Achievement, life expectancy was 10 years lower and infant mortality was twice as high in the Romani community compared with the general population. In addition, one-third of Romani men and two-fifths of Romani women between the ages of 45 and 60 had a disability. Health mediators helped Roma and other marginalized communities improve their access to health care; the National Health Mediators Network employed 245 mediators in 130 municipalities.

According to the BHC, Romani women were routinely segregated within maternity hospital wards. Romani NGOs stated that some municipalities set discriminatory requirements for access to services in order to restrict Romani women’s access to them. For example, the assisted reproduction program in Veliko Turnovo and the one-time allowance for giving birth in Svilengrad both require the mother to have completed secondary school.

NGOs identified an overall rise in the occurrence of hate speech and hate crimes. In September the Commission for Protection against Discrimination opened an inquiry into social media publications alleging the Heaven Hotel in Slanchev Bryag displayed signs advising that the swimming pool was for “white people only” and proclaiming “White Lives Matter.” Hotel owner Georgi Slavov denied to local media the existence of the signs but also expressed regret he had not put them up, since he claimed hotels were allowed that cater to guests based on whether they have children and for gays, so “why not [allow hotels] only for white people?”

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation and gender identity, but the government did not effectively enforce this prohibition. No laws protect against hate crimes based on sexual orientation and gender identity. Societal intolerance to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons persisted.

There were reports of violence against LGBTI persons. On September 27, a group of approximately 30 teenagers, who had a goal of “cleansing” gays and lesbians, reportedly assaulted boys and girls whom they perceived as gay or lesbian with eggs, flour, and punches in the city garden in Plovdiv, shouting homophobic insults. Videos from the incident appeared on social media networks. As of October police had identified the attackers and had referred their names to the local education inspectorate for counseling with school psychologists. Police investigated by collecting evidence, examining videos, and interrogating witnesses. Police prevented similar occurrences in Burgas and Sofia after NGOs alerted them that incidents were being organized on Facebook. LGBTI NGOs expressed concern that authorities underestimated the homophobic threat when police initially provided little security at a scheduled demonstration in support of LGBTI rights on October 10 in Plovdiv. This allowed a group of counterdemonstrators to surround LGBTI activists and block their march for nearly an hour. Graffiti with threats appeared on the facades of the building where the organizer of the Plovdiv event worked and on the home of another local LGBTI activist.

According to LGBTI organizations, courts rejected the right of same-sex partners for protection against domestic violence because the law treats “spousal” only as applying to married persons who cannot legally be the same sex. The Commission

for Protection against Discrimination reported receiving very few cases--two as of October--regarding sexual orientation. In May the Supreme Administrative Court revoked a decision of the Commission for Protection against Discrimination which had dismissed a 2019 complaint regarding homophobic threats and insults on Facebook against the Balkan Pride exhibition in Plovdiv. The court ruled that the commission had not fully utilized its powers to require law enforcement authorities to identify the authors of the offensive posts and had instead accepted the Interior Ministry's "excuse" that it was unable to obtain data traffic information on user profiles due to Facebook being owned by a foreign company.

In May the EU Agency for Fundamental Rights reported that nearly 30 percent of LGBTI persons had experienced workplace discrimination. Further, nearly 40 percent of the LGBTI persons who had experienced workplace discrimination did not report it due to fear of police discrimination based on their sexual identity. A March study by the NGOs Single Step and Bilitis reported that 83 percent of LGBTI students had experienced homophobic insults, 70 percent had suffered harassment, 34 percent had been physically abused, and 19 percent had been assaulted, while 50 percent never reported incidents. According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association's annual report released in February, cases where officials publicly used homophobic speech increased.

NGOs stated persons suspected of being gay were often fired from their jobs, and such individuals were reluctant to seek redress in court due to fear of being identified as LGBTI. Many health professionals considered LGBTI status a disease. The general stigma around sexual orientation and gender identity frequently resulted in refusal of health services, particularly to transgender persons. NGOs complained that most political parties in the National Assembly, government ministers, and municipal authorities were reluctant to engage in a dialogue on the challenges facing LGBTI individuals and related policy issues.

NGOs urged the government to discontinue normalization therapies on intersex children, which were funded by the National Health Insurance Fund with consent from their parents.

In June the Sofia city court overturned a Sofia regional court decision to fine a couple and to issue a public reprimand for libelously stating in a complaint to police that the husband's police officer brother was gay. The Sofia city court found that the trial court had violated the plaintiff's right to privacy by accepting evidence and requesting a technical examination of his sexual orientation. The

court further found that the defendants’ “views on homosexuality or transgenerness are only meaningful to themselves” and that their “discriminatory prejudice cannot stigmatize a certain sexual orientation and its public manifestation.”

On August 5, vandals destroyed posters from an exhibition titled *Together Is Super* which had been installed hours earlier on Lovers Bridge in Sofia as part of the Summer Festival of Equal Rights. The posters featured photographs of LGBTI, deaf, and Romani persons, and provided information about their communities and the discrimination against them. Authorities did nothing in response.

HIV and AIDS Societal Stigma

As reported by the government’s national program for HIV and sexually transmitted disease prevention and control, “Despite the enormous medical progress in HIV treatment, little has been achieved in terms of overcoming the stigma and discrimination [associated with HIV]. Negative societal attitudes have a strong impact on persons with HIV/AIDS.” According to the Health Ministry’s National Center for Infectious and Parasitic Diseases, there was on average a four-year delay in the diagnosis of persons with HIV because they were reluctant to be tested due to the stigma in society in general and from the medical community. In a media interview in July, the executive director of the National Patient Organization, Alexander Milanov, stated that “HIV patients are invisible” and cannot stand for their rights for fear of stigma and discrimination if they “come out.” According to the Bulgarian Infectious Disease Association, surgeons and intensive care wards often refused treatment to HIV patients, even though their infection had been brought under control. The stigma within the rest of the medical community was even greater. NGOs reported that the general stigma around sexual orientation and gender identity frequently resulted in denial of health services to persons living with HIV or AIDS.

According to a 2019 public opinion poll, 90 percent of those surveyed would not live with persons with HIV or AIDS, 75 percent would not be friends, 60 percent would not work with them, and 50 percent were afraid to communicate with such persons.

Other Societal Violence or Discrimination

NGOs accused the health minister of age discrimination, and a group of lawyers challenged in the court his May 13 order which provided for mandatory isolation

and hospitalization of COVID-19 patients who were 60 and older. On May 19, the minister amended the order, removing that provision.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent labor unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, provides for workers to receive up to six months' salary as compensation for illegal dismissal, and provides for the right of the employee to demand reinstatement for such dismissal. Workers alleging discrimination based on union affiliation can file complaints with the Commission for Protection against Discrimination. According to the Confederation of Independent Trade Unions, despite the constitutional recognition of the right of association, the law did not provide for it, which prevented parties to a dispute from seeking redress in administrative court.

There are some limitations on these rights. The law prohibits Interior Ministry and judicial system officials from membership in national union federations. When employers and labor unions reach a collective agreement at the sector level, they must obtain the agreement of the minister of labor to extend it to cover all enterprises in the sector. The law prohibits most public servants from engaging in collective bargaining. The law also prohibits employees of the Ministry of Defense, the Ministry of Interior, the State Agency for Intelligence, the National Protection Service, the courts, and prosecutorial and investigative authorities from striking. Those employees are able to take the government to court to provide due process in protecting their rights.

The law gives the right to strike to other public service employees, except for senior public servants, as long as at least 50 percent of the workers support the strike. The law also limits the ability of transport workers to organize their administrative activities and formulate their programs. Labor unions stated that the legal limitations on the right to strike and the lack of criminal liability for employers who abuse their workers' right of association are contrary to the constitution.

Authorities did not always respect freedom of association and the right to bargain collectively. Labor unions continued to report cases of employer obstruction, harassment, and intimidation of employees, including relocation, firing, and

demotion of union leaders and members. Labor unions also alleged that some employers obstructed negotiations or refused to bargain in good faith or adhere to agreements. In September the regional court in Ruse confirmed the labor inspectorate's decision to sanction local company Danini, which started mass layoffs in March due to the COVID-19 pandemic without prior consultations with union representatives and representatives of the employees, as required by law, and made no efforts to negotiate an agreement with them that could reduce or mitigate the consequences of the layoffs.

In June the St. Sophia Hospital in Sofia fired nurse Maya Ilieva, leader of the Trade Union of Bulgarian Medical Specialists, who led a series of protests complaining of low pay and difficult working conditions. She was similarly dismissed from Tokuda Hospital in August 2019. In August the Trade Union of Bulgarian Medical Specialists set up a tent camp protest in front of the Health Ministry, accusing authorities of excluding medical specialists other than physicians and dentists from the latest national framework agreement on medical activities.

The government did not effectively enforce the labor law, and penalties for violations were not commensurate with those under other laws related to denials of civil rights. Penalties for discrimination carry lower fines than the fines for labor law violations. The law does not effectively protect against interference by employers in labor union activities.

Judicial and administrative procedures were adequate in settling claims. The Confederation of Independent Trade Unions of Bulgaria reported that employers broke the law and eroded the value of collective bargaining by letting nonunion members take advantage of the provisions in the collective agreement.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not enforce the law effectively. Penalties for violations were commensurate with those for other serious crimes, but the government lacked resources to cope with the growing number of cases of international labor trafficking. In addition, labor inspectors lacked the legal authority and sufficient training to identify and pursue cases of forced labor. NGOs criticized the country's institutions for failing to identify and prosecute cases of severe labor exploitation, alleging that the government focused instead on labor law violations that carry administrative sanctions. The government, through its central and local antitrafficking

commissions, held forced labor prevention campaigns and training sessions for magistrates, law enforcement officers, and volunteers. Law enforcement officials did not have adequate capacity to investigate forced labor cases, and investigations took a long time.

There were some reports of families and criminal organizations subjecting children to forced work (see section 7.c.). The national antitrafficking commission reported receiving an increased number of labor exploitation complaints. The commission attributed these complaints to the increased number of persons who lost their jobs due to the coronavirus crisis and who exercised less caution in accepting employment opportunities. According to the EU Agency for Fundamental Rights, “children and adults with disabilities are forced into street begging and petty theft.” As of October authorities registered 26 cases of trafficking in persons for the purpose of labor exploitation, although that was a significant decrease from the same period in 2019.

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and the minimum age for hazardous work at 18. To employ children younger than 18, employers must obtain a work permit from the government’s General Labor Inspectorate. Employers can hire children younger than 16 with special permits for light work that is not hazardous or harmful to the child’s development and does not interfere with the child’s education or training.

Employment of children without a work permit is a criminal offense but it is not a serious crime and carries a penalty of up to one year imprisonment or a fine. Penalties for the worst forms of child labor, however, are commensurate with those for other serious crimes. The General Labor Inspectorate was generally effective in inspecting working conditions at companies seeking and holding child work permits and applying sanctions regarding child labor in the formal sector. The inspectorate reported a 50 percent decrease in legal employment of children. In 2019 the inspectorate uncovered 236 cases of child employment without prior permission, a twofold increase from 2018.

The government continued programs to eliminate the worst forms of child labor, mounted educational campaigns, and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor.

NGOs continued to report the exploitation of children in certain industries, particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales, and by organized crime--notably for prostitution, pickpocketing, and the distribution of narcotics. Children living in vulnerable situations, particularly Romani children, were exposed to harmful and exploitative work in the informal economy, mainly in agriculture, construction, and the service sector.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation with regard to nationality, ethnicity, sex, sexual orientation, race, skin color, age, social origin, language, political and religious beliefs, membership in labor unions and civil society organizations, family and marital status, and mental or physical disabilities. Although the government usually effectively enforced these laws, discrimination in employment and occupation occurred across all sectors of the economy with respect to gender, sexual orientation, disability, and minority group status. The Commission for Protection against Discrimination reported receiving numerous discrimination complaints during the year related to employment of persons with disabilities, citing examples in which employers created hostile and threatening environments towards an employee with a disability or intentionally created mobility obstacles to push the employee to quit.

The government funded programs to encourage employers to overcome stereotypes and prejudice when hiring members of disadvantaged groups such as persons with disabilities.

The law requires the Interior Ministry, the State Agency for National Security, and the State Agency for Technical Operations to allot one percent of their public administration positions to persons with disabilities. Enforcement was poor, however, and the agencies were not motivated to hire persons with disabilities, citing inaccessible infrastructure, lack of sufficient funding for modifying workplaces, and poor qualifications by the applicants. The Center for Independent Living and other NGOs criticized the system of evaluating persons with disabilities based on the degree of their disability, which effectively prevented many persons with disabilities who were able to work from being hired.

The law requires equal pay for equal work. In July the Council of Ministers reported that men received 12.5 percent more pay than women for work in the same position. According to the Commission for Protection against Discrimination, there were twice as many men as women with well paid jobs, and women were more frequently subjected to workplace discrimination than men. As a result of the gender pay gap, according to the National Social Security Institute, women received 32 percent lower pensions. Women continued to face discrimination in regard to pension benefits and retirement. The age at which women and men can access both full and partial pension benefits was not equal, nor was the legal retirement age.

Workplace discrimination against minorities continued to be a problem. Locating work was more difficult for Roma due to general public mistrust, coupled with the Roma's low average level of education. According to the National Statistical Institute, 64.8 percent of Roma lived in poverty, compared with 31.6 percent of Turks and 16.7 percent of ethnic Bulgarians.

e. Acceptable Conditions of Work

The law provides for a national minimum wage for all sectors of the economy that was higher than the government's official poverty line. Labor unions criticized the government for changing the methodology for designation of the official poverty line with a view to preserving the fiscal health of the state budget while neglecting the livelihoods of vulnerable citizens. According to NGOs, giving the labor and social policy minister discretion to set the official poverty line instead of having it determined by macroeconomic factors created risks of limiting the scope of persons entitled to certain social support and could be exploited for political purposes. In July the Confederation of Independent Trade Unions of Bulgaria reported that 67 percent of households lived below the livelihood protection threshold and 28.5 percent lived below the poverty line.

In 2019 the General Labor Inspectorate reported that the cases of unpaid wages increased by 1 percent, compared with the previous year. The inspectorate maintained that its authority to initiate bankruptcy proceedings against employers who owed more than two months' wages to at least one-third of their employees for three years contributed to the effective enforcement of correct payment of wages. During the coronavirus emergency in the first half of the year, labor inspectors compelled employers to pay 2.5 million leva (\$1.5 million) out of an identified 4.5 million leva (\$2.7 million) of unpaid wages.

The law prohibits excessive compulsory overtime and prohibits any overtime work for children younger than 18 and for pregnant women. Persons with disabilities, women with children younger than six, and persons undertaking continuing education may work overtime at the employer's request if the employee provides written consent. The Confederation of Independent Trade Unions of Bulgaria stated that employers increasingly "disrespected employees' working hours and free time." The confederation criticized the law's provision for calculating accumulated working time, noting that it gave employers a way to abuse overtime requirements and thus to hire fewer workers. In December the National Assembly passed amendments increasing the amount of annual allowed overtime work within a collective agreement from 150 to 300 hours.

A national labor safety program, with standards established by law, provides employees the right to healthy and nonhazardous working conditions.

The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. The government did not effectively enforce minimum wage and overtime laws. Penalties for violations were commensurate with those of similar violations. The number of labor inspectors was insufficient to enforce compliance.

Each year the government adopts a program that outlines its goals and priorities for occupational safety and health. The General Labor Inspectorate, which had 28 regional offices, is responsible for monitoring and enforcing occupational safety and health requirements. Of the violations identified by the inspectorate, 51.8 percent involved safety and health requirements. According to the labor inspectorate, its activity over the past several years increased compliance to 93 percent of inspected companies. Penalties for violations were commensurate with those of other similar laws. Inspectors had the authority to conduct unannounced inspections and initiate sanctions.

Legal protections and government inspections did not cover informal workers in the gray-market economy, which, according to the National Statistical Institute, accounted for 21 percent of the country's GDP in 2019. In September the Confederation of Independent Trade Unions of Bulgaria said it expected the share of the gray economy to increase as a result of the coronavirus pandemic. During the two-month state of emergency, the law allowed employers to assign teleworking and work at home and force workers to use half of their accrued

annual leave. The law also lifted the overtime work ban for workers and civil servants who assisted the health-care system and police.

Conditions in sectors such as construction, mining, chemicals, and transportation continued to pose risks for workers. The number of work-related accidents registered in the first nine months of the year decreased by almost 19 percent over the same period in the previous year. Land transportation violations were the most common causes of occupational accidents. The government strictly enforced the law requiring companies to conduct occupational health and safety risk assessments and to adopt measures to eliminate or reduce any identified risks. Approximately 95 percent of the companies inspected in 2019 had such risk assessments, and 98 percent of those had programs to eliminate the identified risks.

There were 55 work-related deaths as of October, mainly in the construction and transportation sectors, nearly comparable to the 50 deaths reported from January through September 2019.